

## **Assembly Bill No. 219**

### **CHAPTER 343**

An act to amend Section 5341.5 of, and to add Section 906 to, the Food and Agricultural Code, relating to agriculture.

[Approved by Governor September 25, 2010. Filed with  
Secretary of State September 27, 2010.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 219, Ruskin. State Board of Food and Agriculture: member qualification and conflicts: pest control: plant quarantine inspection stations.

(1) Existing law establishes in state government the State Board of Food and Agriculture, which consists of 15 members, composed as specified, appointed by the Governor.

This bill would provide that public officers associated with any area of government, including agriculture, and whether elected or appointed, may be appointed to, and may serve contemporaneously as members of, the board. The bill would prohibit certain members of the board from participating in any board action that involves themselves or any agricultural entity with which they are connected as director, officer, or employee, or in which they have a financial interest in the decision within the meaning of the Political Reform Act of 1974.

(2) Existing law requires every operator of a motor vehicle entering the state with a shipment of any agricultural commodity to have the vehicle and the shipment inspected, and to obtain a certificate of inspection, at the plant quarantine inspection station nearest the point of entry, except as provided. Existing law subjects the operator of the vehicle and the registered owner of the vehicle, if a different person or legal entity, to separate civil penalties of not more than \$1,000 for each violation for failure to obtain the required certificate of inspection.

This bill would increase the civil penalties to not more than \$2,500 for each violation.

*The people of the State of California do enact as follows:*

SECTION 1. Section 906 is added to the Food and Agricultural Code, to read:

906. (a) Public officers associated with any area of government, including agriculture, and whether elected or appointed, may be appointed to, and may serve contemporaneously as members of, the board.

(b) No member of the board appointed pursuant to subdivision (c) or (d) of Section 902 shall participate in any board action that involves himself or

herself or any agricultural entity with which he or she is connected as a director, officer, or employee, or in which he or she has a financial interest in the decision within the meaning of Section 87103 of the Government Code.

SEC. 2. Section 5341.5 of the Food and Agricultural Code is amended to read:

5341.5. (a) Every operator of a motor vehicle entering the state with a shipment of any agricultural commodity shall cause the vehicle and the shipment to be inspected, and shall obtain a certificate of inspection, at the plant quarantine inspection station nearest the point of entry into the state.

(b) Failure to obtain the required certificate of inspection shall subject the operator of the vehicle and the registered owner of the vehicle, if a different person or legal entity, to separate civil penalties of not more than two thousand five hundred dollars (\$2,500) for each violation. In determining the severity of the penalty to be imposed, the court shall consider any prior violations of the same nature within the preceding 24 months, the commodity being transported, and any evidence, including deviation from normal and usual routes, that the operator of the vehicle intentionally avoided inspection.

(c) Inspection shall not be required when the operator of the vehicle would be required to travel a distance of 15 miles or more from normal and usual routes for the particular trip to obtain the required inspection and certification, or when weather conditions or road closures on normal and usual routes prevent travel to the nearest plant quarantine inspection station.

(d) Violation of this section is a separate offense from violation of any other provision of this code and proceedings under this section shall not be deemed to prevent separate proceedings for any other offense.

(e) Proceedings under this section may be brought by the secretary or, with the secretary's concurrence, by the district attorney of the county in which the violation occurred. The civil penalty shall be awarded to the agency which brings the enforcement action for use by that agency in enforcing the provisions of this code.

(f) The secretary may, by regulation or executive order, as the secretary deems advisable, permit exceptions for certain commodities, areas, and times consistent with the purposes of this division, patterns of local traffic near border areas, and availability of inspection stations.

(g) Persons holding a valid permit to transport cattle pursuant to Section 21067 are exempt from this section.